

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50618 GFK

JAMES W. PAULSEN, JR., and
JULIANNE V. PAULSEN,

Debtors.

**NOTICE OF MOTION AND VERIFIED MOTION OBJECTING
TO PROPERTY CLAIMED AS EXEMPT**

TO: THE COURT, THE DEBTORS, THE DEBTORS' ATTORNEY, MICHAEL F. McGRATH,
AND THE UNITED STATES TRUSTEE

1. Robert R Kanuit, Trustee of the bankruptcy estate of the above-named debtors moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion at 2:00 p.m., on September 8, 2004, before the Honorable Gregory F. Kishel, in Courtroom 2 at the United States Courthouse, 515 West First Street, in Duluth, Minnesota.

3. Any response to this motion must be filed and delivered not later than September 3, 2004, which is three (3) days before the time set for the hearing, or filed and served by mail not later than August 30, 2004, which is seven (7) days before the time set for the hearing. **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, 11 U.S.C. § 522, 11 U.S.C. § 542, Bankruptcy Rules 4003d, 9013 and 9014, and Local Rules 702 and 1201, et seq. This proceeding is a core proceeding. The petition commencing this Chapter 7

case was filed on May 25, 2004. The case is now pending in this Court. Movant is entitled to object to Debtors' claims of exemption pursuant to Bankruptcy Rule 4003.

5. This motion arises under 11 U.S.C. § 522, 11 U.S.C. § 542, and Bankruptcy Rule 4003 and Local Rule 702. This motion is filed under Bankruptcy Rule 9014 and Local Rules 9001-1 to 9006-1 and 9013-1 to 9013-5. Movant requests relief with respect to Debtors' nonexempt property.

6. Debtors have claimed a 2001 Harley Davidson motorcycle exempt under Minnesota Statutes §550.37(12a) at a claimed value of \$4,000.00, which movant objects to.

7. Movant objects to debtors' claim of exemption because the value of the motorcycle is well in excess of the claimed value. The NADA average retail value of this motorcycle is \$15,080.00.

WHEREFORE, trustee, Robert R. Kanuit, moves the Court for an order sustaining his objection to debtors' claimed exemption and such other relief as may be just and equitable.

Dated this 17th day of August, 2004.

/e/ Robert R. Kanuit
Robert R. Kanuit (#0252530)
Chapter 7 Trustee
4815 W. Arrowhead Road, #230
Hermantown, MN 55811
(218) 722-7722

VERIFICATION

I, Robert R. Kanuit, movant, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Dated: August 17, 2004

/e/ Robert R. Kanuit
Robert R. Kanuit

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50618 GFK

JAMES W. PAULSEN, JR., and
JULIANNE V. PAULSEN,

Debtors.

UNSWORN DECLARATION FOR PROOF OF SERVICE

The undersigned, being an employee of Kanuit & Bray, Ltd., attorneys licensed to practice law in this Court, with office address of 4815 W. Arrowhead Road, Hermantown, MN 55811, declares under penalty of perjury that on the date stated below, she served the annexed **Verified Motion Objecting to Property Claimed as Exempt and (proposed) Order** upon the persons named below by mailing to them copies thereof by enclosing same in an envelope with first class mail postage prepaid and depositing same in the post office at Hermantown, Minnesota, addressed as follows:

James and Julianne Paulsen
10318 East Kiva Circle
Mesa, AZ 85212

Michael F. McGrath
Ravich, Meyer, Kirkman, McGrath & Nauman
4545 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

U.S. Department of Justice
Office of the United States Trustee
U.S. Courthouse, Suite 1015
300 South Fourth Street
Minneapolis, MN 55415

Lisa M. Agrimonti
Briggs and Morgan, P.A.
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

The Jewelers Board of Trade
I.G.A.T. Diamonds, Inc.
PO Box 6924
Providence, RI 02940

Dated this 17th day of August, 2004.

/e/ Bonnie K. Vanderpool
Bonnie K. Vanderpool

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:

Bky. No.: 04-50618 GFK

JAMES W. PAULSEN, JR., and
JULIANNE V. PAULSEN,

Debtors.

ORDER

At Duluth, Minnesota, on September 8, 2004.

Upon the objection to property claimed as exempt filed by the trustee and upon all the files and records of the proceedings herein,

IT IS ORDERED:

The trustee's objection is sustained and the 2001 Harley Davidson motorcycle is not exempt.

Honorable Gregory F. Kishel
United States Bankruptcy Judge